

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of)
U.S. Patent No. 6,062,641)
Seiji SUZUKI et al.) Group Art Unit: 3749
Application No.: Unassigned) Examiner: Unassigned
Filed:)
For: SEAT APPARATUS WITH)
AIR FLOW)

DECLARATION UNDER 37 C.F.R. §1.175

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

We, Seiji Suzuki, Hidetoshi Nakane, Masato Itakura and Toshihiro Inayoshi, the undersigned Petitioners, hereby declare that we reside at 77-2, Jinden, Maebayashi-cho, Toyota-shi, Aichi-ken, Japan, 79-1, Tanada, Wakabayashihigashi-machi, Toyota-shi, Aichi-ken, Japan, 86-28, Kamisotone, Wakabayashihigashi-machi, Toyota-shi, Aichi-ken, Japan and 8, Nakaneyama, Takaoka-honmachi, Toyota-shi, Aichi-ken, Japan, respectively, which addresses are also our respective post office addresses. We also declare that we are citizens of Japan.

We believe we are the first, original and joint inventors of the subject matter which is claimed in this application for reissue and for which reissue of the original Letters Patent on the invention entitled "SEAT APPARATUS WITH AIR FLOW" is sought. We do not believe that the invention was ever known or used before the invention thereof was made.

The entire right, title and interest in and to United States Letters Patent No. 6,062,641, granted on May 16, 2000 and entitled "SEAT APPARATUS WITH AIR FLOW" is vested in Aisin Seiki Kabushiki Kaisha, a corporation existing under the laws of Japan and having a place of business at 1, Asahi-machi 2-chome, Kariya city, Aichi pref., Japan.

Petitioners further declare the following.

We verily believe United States Letters Patent No. 6,062,641 to be at least partly inoperative or invalid for the reason that we claimed less than we had the right to claim in the patent.

We acknowledge the existence of at least one error in the original patent as follows.

Claim 1 of the originally filed application included a recitation that the groove in the filling member contains a material different from the filling member. Claim 1 of the patent includes the same recitation. We believe it was an error to include in Claim 1 of the original application this recitation of the material in the groove that is different from the filling member as it resulted in us claiming less than we had a right to claim in patent Claim 1.

Each of the new independent claims accompanying this application for reissue is based on patent Claim 1 and addresses the aforementioned error by defining the invention in a manner that does not require a material in the groove that is different from the filling member.

This application for reissue is being filed within two years of the issue date of the original patent and so broader claims than those in the issued patent are permissible.

Every error in the patent corrected in this application for reissue, up to the time of filing this Declaration, arose without any deceptive intention on our part.

We have reviewed and understand the contents of the specification, including the claims, of this application for reissue.

We hereby claim the benefit of the filing date of Japanese Application No. 9-307520 filed on November 10, 1997 under the provisions of Title 35, United States Code § 119. Priority based on the aforementioned Japanese application was claimed in the original Letters Patent.

We acknowledge the duty to disclose information of which we are aware that is material to patentability in accordance with Title 37, Code of Federal Regulations, § 1.56.

We hereby appoint Platon N. Mandros, Registration No. 22,124, Alan Kopecki, Registration No. 25,813, Matthew L. Schneider, Registration No. 32,814, and Wendi Weinstein, Registration No. 34,456 to prosecute and transact all business in the U.S. Patent and Trademark Office in connection with the above-identified reissue application.

The undersigned Petitioners hereby declare further that all statements made herein of our own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or

Reissue of U.S. Patent No. 6,062,641

Application Serial No. Unassigned

Attorney's Docket No. 000400-786

both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Date: February 6, 2001

By: Seiji Suzuki
Seiji Suzuki

Date: February 6, 2001

By: Hidetoshi Nakane
Hidetoshi Nakane

Date: February 9, 2001

By: Masato Itakura
Masato Itakura

Date: February 9, 2001

By: Toshihiro Inayoshi
Toshihiro Inayoshi

Attorney's Docket No. 000400-786

STATEMENT UNDER 37 C.F.R. § 3.73(b)

Applicant/Patent Owner: Aisin Seiki Kabushiki Kaisha

Application No./Patent No.: 6,062,641

Filed/Issue Date: May 16, 2000

Entitled: SEAT APPARATUS WITH AIR FLOW

Aisin Seiki Kabushiki Kaisha

(Name of Assignee)

a corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

In the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application identified above. A copy of the Assignment is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments or other documents in the chain of title are attached.

(NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302-302.8)

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

Date: February 12, 2001

Futoshi Hayakawa
Signature

Futoshi Hayakawa

Typed or printed name

General Manager of Intellectual Property Dept.

Title

ASSIGNMENT

(JOINT)

THIS ASSIGNMENT, by 1) SEIJI SUZUKI; 2) HIDETOSHI NAKANE; 3) MASATO ITAKURA, and 4) TOSHIHIRO INAYOSHI, residing at 1) 77-2, JINDEN, MAEBAYASHI-CHO, TOYOTA-SHI, AICHI-KEN, JAPAN; 2) 79-1, TANADA, WAKABAYASHIHIGASHI-MACHI, TOYOTA-SHI, AICHI-KEN, JAPAN; 3) 86-28, KAMISOTONE, WAKABAYASHIHIGASHI-MACHI, TOYOTA-SHI, AICHI-KEN, JAPAN and 4) 8, NAKANEYAMA, TAKAOKA-HONMACHI, TOYOTA-SHI, AICHI-KEN, JAPAN (hereinafter referred to as "the Assignors"), respectively, witnesseth:

WHEREAS, the Assignors have invented certain new and useful improvements in SEAT APPARATUS WITH AIR FLOW, ☐ which is a provisional application to be filed herewith; ☐ which is a non-provisional application having an oath or declaration executed on even date herewith prior to filing of application; ☒ bearing Application No. _____, and filed on NOVEMBER 10, 1998; and

WHEREAS, ASIN SEIKI KABUSHIKI KAISHA, a corporation duly organized under and pursuant to the laws of JAPAN and having its principal place of business at 1, ASAHI-MACHI 2-CHOME, KARIYA-SHI, AICHI-KEN, JAPAN (hereinafter referred to as "the Assignee"), is desirous of acquiring the entire right, title, and interest in and to said inventions, the right to file applications on said inventions and the entire right, title and interest in and to any applications, including provisional applications for Letters Patent of the United States or other countries claiming priority to said application, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon.

NOW, THEREFORE, having received good and sufficient consideration, the Assignors have sold, assigned, transferred, and set over, and by these presents do sell, assign, transfer, and set over, unto the Assignee, its successors, legal representatives, and assigns the entire right, title, and interest in and to the above-mentioned inventions, the right to file applications on said inventions and the entire right, title and interest in and to any applications for Letters Patent of the United States or other countries claiming priority to said application, and any and all Letters Patent or Patents of the United States of America and all foreign countries that may be granted therefor and thereon, and in and to any and all applications claiming priority to said applications, divisions, continuations, and continuations-in-part of said applications, and reissues and extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by the Assignee, for its own use and behalf and the use and behalf of its successors, legal representatives, and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted as fully and entirely as the same would have been held and enjoyed by the Assignors had this sale and assignment not been made;

AND for the same consideration, the Assignors hereby covenant and agree to and with the Assignee, its successors, legal representatives, and assigns, that, at the time of execution and delivery of these presents, the Assignors are the sole and lawful owners of the entire right, title, and interest in and to the inventions set forth in said applications and said applications, including provisions applications, above-mentioned, and that the same are unencumbered, and that the Assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth;

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AND for the same consideration, the Assignors hereby covenant and agree to and with the Assignee, its successors, legal representatives, and assigns that the Assignors will, whenever counsel of the Assignee, or the counsel of its successors, legal representatives, and assigns, shall advise that any proceeding in connection with said inventions or said applications for Letters Patent or Patents, or any proceeding in connection with Letters Patent or Patents for said inventions in any country, including interference proceedings, is lawful and desirable, or that any application claiming priority to said application, division, continuation, or continuation-in-part of any applications for Letters Patent or Patents, or any reissue or extension of any Letters Patent or Patents to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement, and defense of Letters Patent or Patents for said inventions, without charge to the Assignee, its successors, legal representatives, and assigns, but at the cost and expense of the Assignee, its successors, legal representatives, and assigns;

AND the Assignors hereby authorize and request the attorneys of BURNS, DOANE, SWECKER & MATHIS, L.L.P. of Alexandria, Virginia to insert in the spaces provided above the filing date, application number, and attorney docket number of said application when known.

AND the Assignors hereby request the Commissioner of Patents to issue any and all said Letters Patent of the United States to the Assignee as the Assignee of said inventions, the Letters Patent to be issued for the sole use and behalf of the Assignee, its successors, legal representatives, and assigns.

Date Dec. 14, 1998 Signature of Assignor Seiji Suzuki
Seiji SUZUKI

Date Dec. 14, 1998 Signature of Assignor Hidetoshi Nakane
Hidetoshi NAKANE

Date Dec. 14, 1998 Signature of Assignor Masato Itakura
Masato ITAKURA

Date Dec. 14, 1998 Signature of Assignor Toshihiro Inayoshi
Toshihiro INAYOSHI

Date _____ Signature of Assignor _____

Date _____ Signature of Assignor _____

Date _____ Signature of Assignor _____

Date _____ Signature of Assignor _____